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MEETINGS BY APPOINTMENT ONLY

May 29, 2024

VIA ECF

Honorable Colleen McMahon, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: **Scott Cawthon v. Vu the Long, et al.;**
Docket No.: 1:23-cv-10374

Dear Judge McMahon:

Our firm represents plaintiff Scott Cawthon ("Plaintiff") in the above-captioned matter. We write regarding the pretrial conference currently scheduled for May 29, 2024 at 10:45 a.m.

Please be aware that on January 9, 2024 Plaintiff requested that the defendants Vu the Long a/k/a Long Vu and XSmart Global ("Defendants") waive formal service of the complaint and summons pursuant to Federal Rule of Civil Procedure 4(d). Unfortunately, we have not received the waiver to date nor has an answer been filed. Accordingly, a pretrial conference is premature at this time.

However, we have been in contact with the Defendants' counsel, Mr. Steven M. Zeller, Esq. of Dykema Gossett PLLC, and continue to pursue settlement of this matter. We have a phone call scheduled for tomorrow to continue those conversations.

Ok, Conference adjourned
9/5/2024 at 10:00 am
Colleen McMahon
5/29/2024

Accordingly, as discussed with Your Honor's Chambers, we respectfully request that the Court adjourn the May 29th conference to a date that is convenient for the Court.

Thank you for your attention to this matter.

Respectfully submitted,

NISSENBAUM LAW GROUP, LLC

BY: /s/ Anthony C. Gunst, IV
Anthony C. Gunst, IV